

PATENT
USSN 10/061,044
674543-2001.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 18 2004

Applicant(s) : WALKER et al.

Serial No. : 10/061,044

Filed : January 30, 2002

For : *REGULATION OF INTRACELLULAR GLUCOCORTICOID
CONCENTRATIONS*

Examiner : Barbara P. Badio

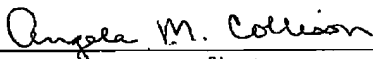
Art Unit : 1616

745 Fifth Avenue, New York, NY 10151
**EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. §1.116**

FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.
Angela M. Collison, Reg. No. 51,107

Type or print name of person signing certification

Signature
February 18, 2004

Date of Signature

COMMUNICATION RESUBMITTING SECOND AMENDMENT AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This Communication is further to the Second Amendment After Final Action filed by facsimile on October 21, 2004 following a review of the present application by Practice Specialist Dr. George Elliot and SPE Thurman Page, and a telephone conference with SPE Page, both of whom are again thanked for the courtesies extended.

Receipt of the October 21, 2004 Second Amendment After Final Action was acknowledged by SPE Page in the October 24, 2003 Interview Summary faxed by SPE Page to the undersigned, which stated the rejections to the application were now withdrawn and the application was allowable:

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The SPE has reviewed the case and determined that the subject matter of claim 15 is allowable and suggested that claim 14 be cancelled. The attorney agreed to the faxing of a second amendment which was received on October 21, 2003. The amendment places the case in condition for allowance and no further response by the applicant is deemed necessary. The rejections of record are hereby withdrawn.

Interview Summary faxed October 24, 2003.

In reviewing the status of the present application on PAIR, it has come to the attention of the undersigned that neither the October 21, 2003 Second Amendment After Final Action nor the October 24, 2003 Interview Summary appear to have been entered into the file.

Accordingly, Applicants hereby enclose a true copy of the Second Amendment After Final Action filed by facsimile on October 21, 2003, including the facsimile receipt indicating that all five pages of the facsimile were transmitted, and of the Interview Summary faxed to the undersigned on October 24, 2003 indicating receipt of the October 21, 2003 Second Amendment After Final Action and the allowability of the subject matter of the application.

Applicants hereby request that the October 21, 2003 Second Amendment After Final Action and the October 24, 2003 Interview Summary be entered into the present application and that a Notice of Allowance be promptly issued. To the extent that entry of these papers requires a Petition, this paper is to serve as such. To the extent that an extension of time is required for entry of these papers, any such extension is hereby requested. The Commissioner is hereby authorized to charge any required fee, including that of a Petition or extension of time, or to credit any overpayment in fees, to Deposit Account 50-0320.

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In view of the remarks herein and the attachments hereto, it is believed the application is in condition for allowance. Accordingly, prompt issuance of a Notice of Allowance is earnestly requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: Thomas J. Kowalski by Angela M. Collison
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Reg. No. 32,147
Angela M. Collison
Reg. No. 51,107
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FEB 8 2004

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FROMMER LAWRENCE & HAUG LLP

745 Fifth Avenue
New York, New York 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500
E-mail: Firm@flhlaw.com

FACSIMILE COVER LETTER

To: SPE Thurman Page

Firm: PTO

Facsimile: 703. ~~872.9306~~ 872.9306

From: Thomas J. Kowalski

Date: February 18, 2004

Re: USSN 10/061,044

Number of Pages: 13
(including cover page)

cc:

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UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 24 2 4 59

FROMMER, LAWRENCE
& HAUG, LLP
 Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
 www.uspto.gov

Fax Cover Sheet

Date: 24 Oct 2003

To: ANGELA COLLISON

From: Thurman K. Page

Application/Control Number: 10/081,044

Art Unit: 1615

Fax No.: 212-588-0500

Phone No.: 703-308-2927

Voice No.: 212-588-0600

Return Fax No.: 703-748-3154

Re:

CC:

☐ Urgent
 ☐ For Review
 ☐ For Comment
 ☐ For Reply
☒ Per Your Request

Comments:

 Thurman K. Page, M.A., J.D.
 Supervisory Patent Examiner
 Art Unit 1615
 Technology Center 1600

Number of pages: 3 including this page

STATEMENT OF CONFIDENTIALITY

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PTO GROUP 1200

Interview Summary	Application No.	Applicant(s)	
	10/081,044	WALKER ET AL.	
	Examiner	Art Unit	
	Thurman K. Page	1615	

All participants (applicant, applicant's representative, PTO personnel):

(1) Thurman K. Page (3) _____

(2) Thomas Kowalski (4) _____

Date of Interview: _____

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: of record.

Identification of prior art discussed: of record.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The SPE has reviewed the case and determined that the subjectmatter of claim 15 is allowable and suggested that claim 14 be cancelled. The attorney agreed to the faxing of a second amendment which was received on October 21, 2003. The amendment places the case in condition for allowance and no further response by the applicant is deemed necessary. The rejections of record are hereby withdrawn.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Examiner's signature, if required

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PTO GROUP 1200

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.113 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indicator of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.